

SB 6109 -- Redline

Substitute to Bill -- Supporting children and families.

Deletions ~~struck~~ · Insertions underlined

~~S-4210.2~~S-3867.2 ~~SUBSTITUTE~~ SENATE BILL 6109 State of Washington 68th Legislature 2024 Regular Session
By ~~Senate Human Services (originally sponsored by~~ Senators C.

~~Wilson)Wilson~~ READRead ~~FIRSTfirst~~ TIMEtime ~~01/23/24,01/10/24.~~

Referred to Committee on Human Services.

amending RCW 13.34.050, 26.44.050, 26.44.056, 26.44.030, and 2.56.230;

reenacting and amending RCW ~~13.34.065,13.34.065~~ 13.34.030, and 74.14B.005;

adding a new section to chapter 43.330 RCW;

~~The legislature finds that since 2018 there has been a significant increase in the number of child fatalities involving fentanyl within 12 months of the family's involvement in the child welfare system.~~

1227, the legislature stated that it found that children and families are better served when the state provides support to allow children to be p.

~~1 SSB~~SB 6109 ~~the legislature stated that it found that children and families are better served when the state provides support to allow children to be~~ cared for by loved ones and in their own communities.

(3) The legislature findsintends thatto evenprovide in~~clarity veryto small~~judges, quantities, social~~high-potencyworkers, syntheticadvocates, opioidsand mayfamilies beand lethal~~direct guidance about the safety threat that highly potent synthetic opioids pose to avulnerable child children.

~~(3)-The legislature intendsdeclares tothat provide~~the claritypresence toor judges,exposure socialof workers,highly advocates,potent andsynthetic familiesopioids andshould directbe guidancegiven aboutgreat theweight riskin ofdetermining lethalitywhether thata high-potencychild syntheticis opioidsin poseimminent tophysical children.harm as a result of abuse or neglect.

~~The legislature declares that endangerment with high-potency synthetic opioids may necessitate removal of a child to prevent imminent physical harm due to child abuse or neglect.~~

~~((b))~~ (ii) the allegations contained in the petition, if true, establish that there are reasonable grounds to believe that removal is necessary to prevent imminent physical harm to the child due to child abuse or ~~neglect((,neglect ((,~~ including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect));

(b) The child abuse or neglect establishing the basis for a determination of imminent physical harm under (a) of this subsection may include, but is not limited to, child abuse or neglect resulting from:

~~2 SSB~~SB 6109 ~~(b)(i) TheSexual childabuse; abuse or neglect establishing the basis for a determination of imminent physical harm under (a) of this subsection may include, but is not limited to, child abuse or neglect resulting from:~~

~~(i) Sexual abuse;~~

~~(iii) A~~Presence patternof a high-potency synthetic opioid in the home or exposure of severe~~the neglect;child to a high-potency synthetic opioid;~~

or ~~(iv) EndangermentA withpattern high-potencyof syntheticsevere opioids,neglect.~~

Endangerment(c) withThe court shall give great weight to the presence of a high-potency synthetic opioidsopioid occursin when~~the home or exposure of the child by a parent, guardian, or legal custodian knowinglyto or a intentionallyhigh-potency createssynthetic opioid, riskwhich thatmay arequire childremoval willof be~~the harmedchild fromto exposure,prevent ingestion,imminent inhalation,physical orharm contactdue withto high-potencychild syntheticabuse opioids-or neglect.

When evaluating whether ~~endangermentthe with~~presence of a high-potency synthetic opioidsopioid necessitatesin removalthe home or exposure of the child toby preventa imminentparent, physicalguardian, harmor duelegal custodian to childa abusehigh-potency orsynthetic neglect,opioid necessitates removal of the child, the court shall consider ~~at a minimum~~ the following factors:

~~(A)(i) PublicAge healthof guidelines~~the andchild bestor practices;~~children in the home;~~

~~(B)(ii) AgeWhether of~~ the child ~~or~~is children~~particularly invulnerable given the home;~~child's medical or developmental conditions;

and ~~(C)(iii) WhetherThe therisk childof isaccidental particularlyingestion vulnerable given the child's medical-or developmentalinhalation.conditions-~~

(1)(a) When a child is removed or when the petitioner is seeking the removal of a child from the child's parent, guardian, or legal p-custodian, the court shall hold a shelter care hearing within 72 hours, excluding Saturdays, Sundays, and holidays.

~~3The SSB~~primary ~~6109p-custodian, the court shall hold a shelter care hearing within 72 hours, excluding Saturdays, Sundays, and holidays.~~

~~The~~3 ~~primary~~SB 6109 purpose of the shelter care hearing is to determine whether the child can be

immediately and safely returned home while the adjudication of the dependency is pending.

and ~~p-(iii)~~ If the parent, guardian, or custodian is not represented by counsel, the right to be represented.

~~4 SSB 6109 (iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented.~~

~~If 4 the SB parent, 6109 guardian, or~~ custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090;

If the dependency petition or other information before the court alleges that experiencing homelessness or the lack of suitable housing was a significant factor contributing to the removal of the child, the court shall inquire as to whether housing assistance was provided to p.

~~5 SSB 6109 significant factor contributing to the removal of the child, the court shall inquire as to whether housing assistance was provided to~~ the family to prevent or eliminate the need for removal of the child or children;

or (B)(I) Removal of the child is necessary to prevent imminent physical harm due to child abuse or neglect, including that which p.

~~6 SSB 6109 (B)(I) Removal of the child is necessary to prevent imminent physical harm due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, ((or)) or a pattern of severe neglect, or endangerment with high-potency synthetic opioids as described in RCW 13.34.050,~~ notwithstanding an order entered pursuant to RCW 26.44.063.

The existence of community or family poverty, isolation, single parenthood, age of the parent, crowded or inadequate housing, substance abuse, prenatal drug or alcohol exposure, mental illness, disability or special needs of the parent or child, or nonconforming social behavior does not by itself constitute imminent physical ~~harm; harm .~~

The court shall give great weight to the presence of a high-potency synthetic opioid in the home or exposure of the child by a parent, guardian, or legal custodian to a high-potency synthetic opioid, which may require removal of the child to prevent imminent physical harm due to child abuse or neglect. When evaluating whether the presence of a high-potency synthetic opioid in the home or exposure of the child by a parent, guardian, or legal custodian to a high-potency synthetic opioid necessitates removal of the child, the court shall consider the following factors:

(1) Age of the child or children in the home;

(2) whether the child is particularly vulnerable given the child's medical or developmental conditions; and (3) the risk of accidental ingestion or inhalation;

The court shall not order a parent to participate in prevention services over the objection of the parent, however, parents shall have the opportunity to consult with ~~counsel p. prior to deciding whether to agree to proposed prevention services as a condition of having the child return to or remain in the care of the parent;~~

7 SB 6109 counsel prior to deciding whether to agree to proposed prevention services as a condition of having the child return to or remain in the care of the parent;

(c)(i) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement ~~p-with a relative or other suitable person as described in RCW 13.34.130(1)(b), unless the petitioner establishes that there is reasonable cause to believe that:~~

~~7(A) SSB Placement 6109 in with licensed a foster relative care or is other necessary suitable to person prevent as imminent described physical in harm RCW to 13.34.130(1)(b), the unless child the due petitioner to establishes child abuse or neglect, including that there which results from sexual abuse, sexual exploitation, or a pattern of severe neglect, because no relative or other suitable person is reasonable capable cause of to ensuring believe the that; basic safety of the child;~~

~~(A) Placement in licensed foster care is necessary to prevent imminent physical harm to the child due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, ((or)) a pattern of severe neglect, or endangerment with high-potency synthetic opioids as described in RCW 13.34.050, because no relative or other suitable person is capable of ensuring the basic safety of the child;~~

(A) An incomplete department or fingerprint-based background check, if such relative or other suitable person appears otherwise suitable and competent to provide care and treatment, but the ~~background p. checks must be completed as soon as possible after placement;~~

8 SB 6109 background checks must be completed as soon as possible after placement;

(C) Disbelief on the part of the relative or other suitable person that the parent, guardian, or legal custodian presents a ~~p-danger~~ to the child, provided the caregiver will protect the safety of the child and comply with court orders regarding contact with a parent, guardian, or legal custodian;

~~8 SSB 6109 danger to the child, provided the caregiver will protect the safety of the child and comply with court orders regarding contact with a parent, guardian, or legal custodian;~~

~~(i) p. Consider the assessment required under RCW 13.34.420 and submitted as part of the department's~~

~~social study, and any related documentation;~~

9 SB 6109 (i) Consider the assessment required under RCW 13.34.420 and submitted as part of the department's social study, and any related documentation;

~~and p.(iii) Approve or disapprove the child's placement in the qualified residential treatment program.~~

~~9 SSB 6109 (iii) Approve or disapprove the child's placement in the qualified residential treatment program.~~

~~(C)p. The child will be placed with a sibling or siblings, and whether court-ordered sibling contact would promote the well-being of the child;~~

10 SB 6109 (C) The child will be placed with a sibling or siblings, and whether court-ordered sibling contact would promote the well-being of the child;

~~p.(A) Place the child in a less restrictive placement;~~

~~10 SSB 6109 (A) Place the child in a less restrictive placement;~~

~~The shelterp. care decision of placement shall be modified only upon a showing of change in circumstances.~~

11 SB 6109 shelter care decision of placement shall be modified only upon a showing of change in circumstances.

(ii) If the court previously ordered that visitation between a parent and child be supervised or monitored, there shall be a presumption that such supervision or monitoring will no longer be necessary following a continued shelter care order under (a)(i) of ~~p.this subsection.~~

~~11 SSB 6109 this subsection.~~

~~(d)p. The first visit must take place within 72 hours of the child being delivered into the custody of the department, unless the court finds that extraordinary circumstances require delay.~~

12 SB 6109 (d) The first visit must take place within 72 hours of the child being delivered into the custody of the department, unless the court finds that extraordinary circumstances require delay.

~~p.(1) Except as provided in RCW 26.44.030(12), upon the receipt of a report alleging that abuse or neglect has occurred, the law enforcement agency or the department must investigate and provide the protective services section with a report in accordance with chapter 74.13 RCW, and where necessary to refer such report to the court.~~

12(2) SSB 6109 law (1) enforcement Except officer as may provided take, in or RCW cause 26.44.030(12), to upon be taken, receipt of child into custody without a report court alleging order if there is probable cause to believe that taking the child into custody is necessary to prevent imminent physical harm to the child due to child abuse or neglect neglect((, has including occurred, that the which law results enforcement from agency sexual abuse, sexual exploitation, or the a department pattern must of investigate severe neglect,)) and provide the protective child services would section be with seriously injured reporter in could accordance not with be chapter taken 74.13 into RCW, custody and if where it were necessary to refer first such obtain report a court order pursuant to the RCW court. 13.34.050.

~~(2) A law enforcement officer may take, or cause to be taken, a child into custody without a court order if there is probable cause to believe that taking the child into custody is necessary to prevent imminent physical harm to the child due to child abuse or neglect ((, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect,)) and the child would be seriously injured or could not be taken into custody if it were necessary to first obtain a court order pursuant to RCW 13.34.050.~~

~~(c) A Presence pattern of a high-potency synthetic opioid in the home or exposure of severe the neglect; child to a high-potency synthetic opioid;~~

~~or (d) Endangerment A with pattern high-potency of synthetic severe opioids neglect. as described in RCW 13.34.050.~~

(1)(a) An administrator of a hospital or similar institution or any physician, licensed pursuant to chapters 18.71 or 18.57 RCW, may ~~detainp. a child without consent of a person legally responsible for the child whether or not medical treatment is required, if there is probable cause to believe that detaining the child is necessary to prevent imminent physical harm to the child due to child abuse or neglect((, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect,)) and the child would be seriously injured or could not be taken into custody if it were necessary to first obtain a court order under RCW 13.34.050:~~

PROVIDED, 13 That SB such 6109 administrator detain or a physician child shall without notify consent of a person legally responsible for the child whether or not medical treatment is required, if there is probable cause p. to believe that detaining the child is necessary to prevent imminent physical harm to the child due to child abuse or neglect((, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect,)) and the child would be seriously injured or could not be taken into custody if it were necessary to first obtain a court order under RCW 13.34.050:

13 PROVIDED, SSB That 6109 such administrator or physician shall notify or cause to be notified the appropriate law enforcement agency or child protective services pursuant to RCW 26.44.040.

(iii) ~~A presence pattern of a high-potency synthetic opioid in the home or exposure of severe the neglect;~~ child to a high-potency synthetic opioid;

or (iv) ~~Endangerment A with pattern high-potency of synthetic severe opioids neglect, as described in RCW 13.34.050.~~

RCW ~~13.34.030~~ 26.44.030 and ~~20212019 c 304172 s 16~~ and ~~2021 c 67 s 2~~ are each ~~reenacted and~~ amended to read as follows:

~~The (1)(a) definitions When in any this practitioner, section county apply coroner throughout or this medical chapter examiner, unless law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the context department clearly of requires children, otherwise, youth, and families, licensed or certified child care providers or their employees, employee of the department of social and health services, juvenile probation officer, placement and liaison specialist, responsible living skills program p.~~

~~(1) 14 "Abandoned" SB means 6109 when staff, the HOPE child's center parent, staff, guardian, state family and children's ombuds or other any custodian volunteer has in expressed, the either ((ombuds's)) by ombuds' statement office, or conduct, host an home intent program has reasonable cause to forego, believe for that an extended child period, has parental suffered rights abuse or responsibilities neglect, despite he an or ability she to shall exercise report such rights incident, and or responsibilities, cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.~~

~~If (b) the when court any finds person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that the a petitioner child has exercised suffered due abuse diligence or in neglect attempting caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to locate be made, to the parent, proper no law contact enforcement between agency, provided that the child person and alleged to have caused the child's abuse parent, or guardian, neglect is employed by, contracted by, or other volunteers custodian with for the a organization period and of coaches, three trains, months educates, creates or counsels a rebuttable child presumption or of children abandonment, or even regularly if has there unsupervised is access not expressed a intent child to or abandon children as part of the employment, contract, or voluntary service.~~

~~(2) No "Child," one "juvenile," shall and be "youth" required mean: to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.~~

~~(a) Nothing Any in individual this under subsection the (1)(b) ages shall limit a person's duty to report under (a) of eighteen this years; subsection.~~

~~or For (b) the Any purposes individual of age this eighteen subsection, to twenty-one years who is eligible to receive and who elects to receive the extended following foster definitions care apply: services authorized under RCW 74.13.031.~~

~~A (i) youth "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who remains is p- employed by, contracted by, or volunteers with the nonprofit or for-profit organization.~~

~~14 (ii) SSB "Organization" 6109 includes dependent a and sole who proprietor, receives partnership, extended corporation, foster limited care liability services company, under trust, RCW association, 74.13.031 financial shall institution, not governmental be entity, considered other than "child" the under federal government, and any other statute individual or for group any engaged other in purpose, a trade, occupation, enterprise, governmental function, charitable function, or similar activity in this state whether or not the entity is operated as a nonprofit or for-profit entity.~~

~~(3) (iii) "Current" Reasonable placement cause" episode" means the a period person of witnesses time or that receives begins a with credible the written most or recent oral date report that alleging the abuse, child including was sexual removed contact, from the home of the parent, guardian, or legal neglect custodian for purposes of placement a in child, out-of-home care and continues until:~~

~~(a) The child returns home;~~

~~(b) an adoption decree, a permanent custody order, or guardianship order is entered;~~

~~or (c) the dependency is dismissed, whichever occurs first.~~

~~(4) "Department" means the department of children, youth, and families.~~

~~(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.~~

~~(6) "Dependent child" means any child who:~~

~~(a) Has been abandoned;~~

~~(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;~~

~~(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the~~

~~child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development;~~

~~or (d) Is receiving extended foster care services, as authorized by RCW 74.13.031.~~

~~(7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary of the department of social and health services to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.~~

~~(8) "Educational liaison" means a person who has been appointed by the court to fulfill responsibilities outlined in RCW 13.34.046.~~

~~(9) "Experiencing homelessness" means lacking a fixed, regular, and adequate nighttime residence, including circumstances such as p.~~

~~15 SSB 6109 sharing the housing of other persons due to loss of housing, economic hardship, fleeing domestic violence, or a similar reason as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 110, subchapter I) as it existed on January 1, 2021.~~

~~(10) "Extended foster care services" means residential and other support services the department is authorized to provide under RCW 74.13.031.~~

~~These services may include placement in licensed, relative, or otherwise approved care, or supervised independent living settings;~~

~~assistance in meeting basic needs;~~

~~independent living services;~~

~~medical assistance;~~

~~and counseling or treatment.~~

~~(11) "Guardian" means the person or agency that:~~

~~(a) Has been appointed as the guardian of a child in a legal proceeding, including a guardian appointed pursuant to chapter 13.36 RCW;~~

~~and (b) has the legal right to custody of the child pursuant to such appointment.~~

~~The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.~~

~~(12) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter.~~

~~A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.~~

~~(13) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent.~~

~~Such management shall include but is not limited to:~~

~~Recruitment, screening, training, supervision, assignment, and discharge of volunteers.~~

~~(14) "Guardianship" means a guardianship pursuant to chapter 13.36 RCW or a limited guardianship of a minor pursuant to RCW 11.130.215 or equivalent laws of another state or a federally recognized Indian tribe.~~

~~(15) "High-potency synthetic opioids" means illegally produced synthetic opioids classified as a schedule I or II controlled substance or controlled substance analog in chapter 69.50 RCW and federal law or listed by the pharmacy quality assurance commission in rule including, but not limited to, fentanyl.~~

~~1615 SSB 6109 (16)(iv) "Housing"Regularly assistance"exercises meanssupervisory appropriateauthority" referralsmeans by the department or other agencies to federal,act state,in local,his or privateher agenciesofficial orsupervisory organizations,capacity assistanceon withan forms,ongoing applications,or financialcontinuing subsidiesbasis orwith otherregards monetaryto assistancea forparticular housing, person.~~

~~For(v) purposes"Sexual ofcontact" thishas chapter,the "housingsame assistance"meaning is not a remedial service or family reunification service as described in RCW 13.34.025(2),9A.44.010.~~

~~((16)))(c) (17)The "Indigent"reporting meansrequirement aalso personapplies to department of corrections personnel who, atin anythe stagecourse of attheir courtemployment, proceeding,observe is:offenders or the children with whom the offenders are in contact.~~

~~(a)If, Receivingas onea result of observations or information received in the followingcourse typesof~~

his or her employment, any department of ~~public corrections assistance~~ personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

~~Temporary(d) assistance~~The ~~for~~reporting ~~needy~~requirement ~~families,~~shall ~~aged,~~also ~~blind,~~apply ~~or~~to ~~disabled~~any ~~assistance~~adult ~~benefits,~~who ~~medical~~has ~~care~~reasonable ~~services~~cause ~~under~~to ~~RCW~~believe 74.09.035, ~~that~~ ~~pregnant~~a ~~women~~child ~~assistance~~who ~~benefits,~~resides ~~poverty-related~~with ~~veterans'~~them, ~~benefits,~~has ~~food~~suffered ~~stamps~~severe ~~or~~abuse, ~~food~~and ~~stamp~~is ~~benefits~~able ~~transferred~~or ~~electronically,~~capable ~~refugee~~of ~~resettlement~~making ~~benefits,~~a ~~medicaid,~~report. ~~or~~ ~~supplemental security income.~~

~~or~~For ~~(b)~~the ~~Involuntarily~~purposes ~~committed~~of ~~to~~this ~~a~~subsection, ~~public~~"severe ~~mental~~abuse" ~~health~~means ~~facility;~~any of the following:

~~or~~Any ~~(c)~~single ~~Receiving~~act ~~an~~of ~~annual~~abuse ~~income,~~that ~~after~~causes ~~taxes,~~physical trauma of ~~one~~sufficient ~~hundred~~severity ~~twenty-five~~that, ~~percent~~if ~~or~~left ~~less~~untreated, ~~of~~could ~~the~~cause ~~federally~~death; ~~established~~ ~~poverty~~level;

~~or~~any ~~(d)~~single ~~Unable~~act ~~to~~pay the anticipated cost of ~~counsel~~sexual ~~for~~abuse ~~the~~that ~~matter~~causes ~~before~~significant ~~the~~bleeding, ~~court~~deep ~~because~~bruising, ~~his~~or ~~her~~significant ~~available~~external ~~funds~~or ~~are~~internal ~~insufficient~~swelling; ~~to~~pay any amount for the retention of ~~counsel.~~

~~((17))~~or ~~(18)~~more "Nonminor~~than~~ dependent"one means~~act~~ any~~of~~ individual~~physical~~ age~~abuse,~~ ~~eighteen~~each ~~to~~of ~~twenty-one~~which ~~years~~causes ~~who~~bleeding, ~~is~~deep ~~participating~~bruising, ~~in~~significant ~~extended~~external ~~foster~~or ~~care~~internal ~~services~~swelling, ~~authorized~~bone ~~under~~fracture, ~~RCW~~or 74.13.031.unconsciousness.

~~((18))~~(e) ~~(19)~~The "Out-of-home~~reporting~~ care"requirement means~~also~~ placement~~applies~~ into ~~a~~guardians ~~foster~~ad ~~family~~litem, ~~home~~including ~~or~~court-appointed ~~groups~~special ~~care~~advocates, ~~facility~~appointed ~~licensed~~under ~~pursuant~~Titles ~~to~~11 ~~chapter~~and 74.1513 ~~RCW~~ ~~or~~and ~~placement~~this ~~in~~title, ~~a~~who ~~home,~~in ~~other~~the ~~than~~course ~~that~~of ~~the~~their ~~child's~~representation ~~parent,~~of ~~guardian,~~children ~~or~~in ~~legal~~these ~~custodian,~~actions ~~not~~have ~~required~~reasonable ~~cause~~to ~~be~~believe ~~licensed~~a ~~pursuant~~child ~~to~~has ~~chapter~~been 74.15abused ~~RCW~~or neglected.

~~((19))~~(f) ~~(20)~~The "Parent"reporting meansrequirement ~~the~~in ~~biological~~(a) ~~or~~adoptive ~~parents~~of ~~a~~this ~~child,~~subsection ~~or~~also ~~an~~applies ~~individual~~to ~~who~~administrative ~~has~~and ~~established~~academic ~~a~~or ~~parent-~~childathletic ~~relationship~~department ~~under~~employees, ~~RCW~~including 26.26A.100, ~~student~~ unless~~employees,~~ ~~the~~of ~~legal~~institutions ~~rights~~of ~~that~~higher ~~person~~education, ~~have~~as ~~been~~defined ~~terminated~~in ~~by~~RCW a28B.10.016, ~~judicial~~and ~~proceeding~~of ~~pursuant~~private ~~to~~institutions ~~this~~ chapter, ~~chapter~~ 26.33 ~~RCW,~~or ~~the~~equivalent ~~laws~~of ~~another~~higher ~~state~~education. ~~or~~ ~~a~~ ~~federally~~ ~~recognized~~ ~~Indian~~ ~~tribe.~~

~~((20))~~(g) ~~(21)~~The "Preventionreport ~~and~~must ~~family~~be ~~services~~made ~~and~~at ~~programs~~"the means~~first~~ ~~specific~~opportunity, ~~mental~~but ~~health~~in ~~prevention~~no ~~and~~case ~~treatment~~longer ~~services,~~than ~~substance~~forty-eight ~~p-~~hours after there is reasonable cause to believe that the child has suffered abuse or neglect.

17The ~~SSB~~report 6109~~must~~ ~~abuse~~include ~~prevention~~the ~~and~~identity ~~treatment~~of ~~services,~~and ~~in-home~~parent ~~skill-~~based ~~programs~~that ~~qualify~~for ~~federal~~funding ~~under~~the ~~federal~~accused ~~family~~if ~~first~~known. ~~prevention~~ ~~services~~ ~~act,~~ ~~P.L.~~

115-123.(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred p.

For16 ~~purposes~~SB of6109 ~~this~~during ~~chapter,~~childhood ~~prevention~~if ~~and~~it ~~family~~is ~~services~~discovered ~~and~~after ~~programs~~the ~~are~~child ~~not~~has ~~remedial~~become ~~services~~an ~~or~~adult. ~~family~~reunification ~~services~~as ~~described~~ in ~~RCW~~ 13.34.025(2).

~~((21))~~However, ~~(22)~~if "Prevention~~there~~ ~~services~~"is meansreasonable ~~preservation~~cause ~~services,~~to ~~as~~believe ~~defined~~other ~~in~~children ~~chapter~~are 74.14~~or~~ ~~RCW,~~may ~~and~~be ~~other~~at ~~reasonably~~risk ~~available~~of ~~services,~~abuse ~~including~~or ~~housing~~neglect ~~assistance,~~by ~~capable~~the ~~of~~accused, ~~preventing~~the ~~need~~reporting ~~for~~requirement ~~out-of-home~~of ~~placement~~subsection ~~while~~(1) ~~protecting~~of ~~the~~this ~~child-~~section ~~does~~ apply.

Prevention(3) ~~services~~Any ~~include,~~other ~~but~~person ~~are~~who ~~not~~has ~~limited~~reasonable ~~to,~~cause ~~prevention~~to ~~and~~believe ~~family~~that ~~services~~a ~~and~~child ~~programs~~has ~~suffered~~abuse ~~or~~neglect ~~may~~report ~~such~~incident ~~to~~the ~~proper~~law ~~enforcement~~agency ~~or~~to ~~the~~department ~~as~~ ~~defined~~provided ~~in~~ ~~this~~RCW ~~section.~~26.44.040.

~~((22))~~(4) ~~(23)~~The "Qualified~~department,~~ ~~residential~~upon ~~treatment~~receiving ~~program~~"a meansreport of an incident of alleged abuse or neglect pursuant to this chapter, involving a ~~program~~child ~~that~~who ~~meets~~has ~~the~~died ~~requirements~~or ~~provided~~has ~~in~~had ~~RCW~~physical 13.34.420, ~~injury~~ qualifies~~or~~ ~~for~~injuries ~~funding~~inflicted ~~under~~upon ~~him~~or ~~her~~ other ~~than~~by ~~accidental~~ means ~~or~~who ~~has~~been ~~subjected~~to ~~alleged~~sexual ~~abuse,~~ shall ~~report~~such ~~incident~~to ~~the~~ ~~family~~proper ~~first~~law ~~prevention~~enforcement ~~services~~agency, ~~act~~including ~~under~~military 42law ~~U.S.C.~~enforcement, ~~if~~ appropriate.

Sec. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department.

672 In (k), all and other if cases, located the within department Washington shall state, notify is the licensed law enforcement agency group within care seventy-two facility hours under after chapter 74.15 report RCW is received by the department.

~~((23))~~ If (24) the "Relative" department includes makes persons an related oral to report, a child written in report must also be made to the following proper ways: law enforcement agency within five days thereafter.

(a)(5) Any blood law relative, enforcement including agency those receiving a report of half-blood, an and incident including of first alleged cousins, abuse second or cousins, neglect nephews pursuant to this chapter, involving a child who has died or nieces, has and had persons physical of injury preceding or generations injuries as inflicted denoted upon him or her other than by prefixes accidental of means, grand, or great, who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or great-great, city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed.

(b) The Stepfather, law stepmother, enforcement stepbrother, agency shall also notify the department of all reports received and stepsister; the law enforcement agency's disposition of them.

(c) In A emergency person cases, who where legally adopts a child or the child's parent welfare as is well endangered, as the natural law and enforcement other agency legally shall adopted notify children of such persons, and other relatives of the adoptive department parents within in twenty- accordance four with hours. state law;

(d) In Spouses all of other any cases, persons the named law in enforcement (a), agency (b), shall or notify (c) the of department this within subsection, seventy-two even hours after the a marriage report is terminated; received by the law enforcement agency.

(e)(6) Relatives, Any as county named prosecutor in or (a), city (b), attorney (c), receiving or a (d) report of under this subsection subsection, (5) of any this half section siblings shall of notify the child; victim, any p.

or 17 (f) SB Extended 6109 family persons members, as defined by the law victim or requests, custom and of the Indian local child's office tribe or, in the absence of such law or custom, a person who has reached the age department, of eighteen and who is the Indian decision child's to grandparent, charge aunt or uncle, decline brother to or charge sister, a brother-in-law crime, or within sister-in-law, five niece days or of nephew, making first or second cousin, or stepparent who provides care in the family decision. -abode on a twenty-four hour basis to an Indian child as defined in 25 U.S.C.

Sec. (7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services.

~~1903(4)~~ Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child.

Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect.

If the parents fail to designate a second physician, the department may make the selection.

If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute.

Violation of this subsection is a misdemeanor.

(10) Upon receiving a report that a child is a candidate for foster care as defined in RCW 26.44.020, the department may provide prevention and family services and programs to the child's parents, guardian, or caregiver.

The department may not be held civilly liable for the decision regarding whether to provide prevention and family services and programs, or for the provision of those services and programs, for a child determined to be a candidate for foster care.

18 SSB 6109 ~~((24))~~ (11) (25) Upon "Shelter receiving care" a means report temporary of physical alleged care abuse in or a neglect, facility the licensed department pursuant shall make reasonable efforts to RCW Learn 74.15.030 the or name, in address, a and home telephone not number required of to each be person

~~licensed making pursuant to report RCW of 74.15.030, abuse or neglect under this section.~~

~~((25)) The (26) department "Sibling" shall means provide assurance child's of birth appropriate brother, confidentiality birth of sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law identification or custom of the persons Indian reporting child's under tribe this for section. an Indian child as defined in RCW 13.38.040.~~

~~((26)) If (27) the "Social department study" is means unable to written learn evaluation the of information matters required relevant under to this the subsection, disposition of the case department that shall contains only the investigate information cases required in by which: RCW 13.34.430.~~

~~((27)) (a) (28) The "Supervised department independent believes living" there includes, but is not a limited serious to, threat apartment of living, substantial room harm and to board the arrangements, child; college or university dormitories, and shared roommate settings.~~

~~Supervised (b) independent The living report settings indicates must conduct be involving approved a by criminal the offense department that has, or is about to occur, in which the court child is the victim;~~

~~((28)) or (29) (c) "Voluntary The placement department agreement" has means, a for prior the founded purposes report of extended abuse foster or care neglect services, with a regard written to voluntary agreement between a nonminor member dependent of who the agrees household to that submit is to within the three care years and authority of there receipt department for the purposes of participating in the extended referral, foster care program.~~

(12)(a) Upon receiving a report of alleged abuse or neglect, the department shall use one of the following discrete responses to reports of child abuse or neglect that are screened in and accepted for departmental response:

(i) Investigation;

or (ii) Family assessment.

(b) In making the response in (a) of this subsection the department shall:

(i) Use a method by which to assign cases to investigation or family assessment which are based on an array of factors that may include the presence of:

Imminent danger, level of risk, number of previous child abuse or neglect reports, or other presenting case characteristics, such as the type of alleged maltreatment and the age of the alleged victim.

Age of the alleged victim shall not be used as the sole criterion for determining case assignment;

(ii) Allow for a change in response assignment based on new information that alters risk or safety level;

(iii) Allow families assigned to family assessment to choose to receive an investigation rather than a family assessment;

(iv) Provide a full investigation if a family refuses the initial family assessment;

(v) Provide voluntary services to families based on the results of the initial family assessment.

If a family refuses voluntary services, and the department cannot identify specific facts related to risk or safety that warrant assignment to investigation under this p.

19 SB 6109 chapter, and there is not a history of reports of child abuse or neglect related to the family, then the department must close the family assessment response case.

However, if at any time the department identifies risk or safety factors that warrant an investigation under this chapter, then the family assessment response case must be reassigned to investigation;

(vi) Conduct an investigation, and not a family assessment, in response to an allegation that, the department determines based on the intake assessment:

(A) Indicates a child's health, safety, and welfare will be seriously endangered if not taken into custody for reasons including, but not limited to, sexual abuse and sexual exploitation of the child as defined in this chapter;

(B) Poses a serious threat of substantial harm to a child;

(C) Constitutes conduct involving a criminal offense that has, or is about to occur, in which the child is the victim;

(D) The child is an abandoned child as defined in RCW 13.34.030;

(E) The child is an adjudicated dependent child as defined in RCW 13.34.030, or the child is in a facility that is licensed, operated, or certified for care of children by the department under chapter 74.15 RCW.

(c) In addition, the department may use a family assessment response to assess for and provide prevention and family services and programs, as defined in RCW 26.44.020, for the following children and their families, consistent with requirements under the federal family first prevention services act and this section:

(i) A child who is a candidate for foster care, as defined in RCW 26.44.020;

and (ii) A child who is in foster care and who is pregnant, parenting, or both.

(d) The department may not be held civilly liable for the decision to respond to an allegation of child

abuse or neglect by using the family assessment response under this section unless the state or its officers, agents, or employees acted with reckless disregard.

(13)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule.

In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is p.

20 SB 6109 being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary.

At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(14) For reports of alleged abuse or neglect that are responded to through family assessment response, the department shall:

(a) Provide the family with a written explanation of the procedure for assessment of the child and the family and its purposes;

(b) Collaborate with the family to identify family strengths, resources, and service needs, and develop a service plan with the goal of reducing risk of harm to the child and improving or restoring family well-being;

(c) Complete the family assessment response within forty-five days of receiving the report except as follows:

(i) Upon parental agreement, the family assessment response period may be extended up to one hundred twenty days.

The department's extension of the family assessment response period must be operated within the department's appropriations;

(ii) For cases in which the department elects to use a family assessment response as authorized under subsection (12)(c) of this section, and upon agreement of the child's parent, legal guardian, legal custodian, or relative placement, the family assessment response period may be extended up to one year. The department's extension of the family assessment response must be operated within the department's appropriations.

(d) Offer services to the family in a manner that makes it clear that acceptance of the services is voluntary;

(e) Implement the family assessment response in a consistent and cooperative manner;

(f) Have the parent or guardian agree to participate in services before services are initiated.

The department shall inform the parents of their rights under family assessment response, all of p.

21 SB 6109 their options, and the options the department has if the parents do not agree to participate in services.

(15)(a) In conducting an investigation or family assessment of alleged abuse or neglect, the department or law enforcement agency:

(i) May interview children.

If the department determines that the response to the allegation will be family assessment response, the preferred practice is to request a parent's, guardian's, or custodian's permission to interview the child before conducting the child interview unless doing so would compromise the safety of the child or the integrity of the assessment.

The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents.

If the allegation is investigated, parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation.

Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes.

Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation;

and (ii) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(b) The Washington state school directors' association shall adopt a model policy addressing protocols

when an interview, as authorized by this subsection, is conducted on school premises.

In formulating its policy, the association shall consult with the department and the Washington association of sheriffs and police chiefs.

(16) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombuds of the contents of the report.

The department shall also notify the ombuds of the disposition of the report.

(17) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

P.

22 SB 6109 (18)(a) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect.

The department shall maintain a log of screened-out nonabusive cases.

(b) In the family assessment response, the department shall not make a finding as to whether child abuse or neglect occurred.

No one shall be named as a perpetrator and no investigative finding shall be entered in the department's child abuse or neglect database.

(19)(a) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals.

The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue.

Substance abuse must be a risk factor.

(b)(i) The department shall develop and make available to department staff a high-potency synthetic opioid-specific risk assessment tool to be used by department staff to determine the appropriate safety measures to take when investigating alleged child abuse and neglect referrals when high-potency synthetic opioid use or the presence of high-potency synthetic opioids is suspected or confirmed.

(ii) The department may use an existing risk assessment instead of developing a high-potency synthetic opioid-specific risk assessment tool if the existing risk assessment includes the safety measures as described in (b)(i) of this subsection.

(c) The department shall also make available to department staff high-potency synthetic opioid testing strips that can detect the presence of high-potency synthetic opioids that may be used when investigating alleged child abuse and neglect referrals and otherwise as appropriate.

(20) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(21) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents.

The department shall also notify the guardian ad litem of the disposition of the report.

For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

P.

23 SB 6109 (22) The department shall make efforts as soon as practicable to determine the military status of parents whose children are subject to abuse or neglect allegations.

If the department determines that a parent or guardian is in the military, the department shall notify a department of defense family advocacy program that there is an allegation of abuse and neglect that is screened in and open for investigation that relates to that military parent or guardian.

(23) The department shall make available on its public website a downloadable and printable poster that includes the reporting requirements included in this section.

The poster must be no smaller than eight and one-half by eleven inches with all information on one side.

The poster must be made available in both the English and Spanish languages.

Organizations that include employees or volunteers subject to the reporting requirements of this section must clearly display this poster in a common area.

At a minimum, this poster must include the following:

(a) Who is required to report child abuse and neglect;

(b) The standard of knowledge to justify a report;

(c) The definition of reportable crimes;

(d) Where to report suspected child abuse and neglect;

and (e) What should be included in a report and the appropriate timing.

~~Sec. p.~~

24 SB 6109 Sec.

~~p.~~ (1) A superior court may apply for grants from the family and juvenile court improvement grant program by submitting a local improvement plan with the administrator for the courts.

~~10 SSB 6109 (1) A superior court may apply for grants from the family and juvenile court improvement grant program by submitting a local improvement plan with the administrator for the courts.~~

~~(xv) p.~~ The risk and danger presented to children and youth by high-potency synthetic opioids;

25 SB 6109 (xv) The risk and p-danger presented to children and youth by high-potency synthetic opioids;

~~20 and SSB 6109 (xvi) The legal standards for removal of a child pursuant based to on RCW abuse 13.34.065 or and neglect; 13.34.130;~~

~~(5) p.~~ Upon receipt of grant funds, the superior court shall submit to the administrator for the courts a spending plan detailing the use of funds.

At 26 the SB end 6109 of (5) the Upon fiscal receipt year, of grant funds, the superior court shall p-submit to the administrator for the courts a spending plan detailing the use of funds.

21 At SSB the 6109 end of the fiscal year, the superior court shall submit to the administrator for the courts a financial report comparing the spending plan to actual expenditures.

~~or (e) p.~~ An employee of the department who is trained as a child welfare worker and acts in a supervisory capacity with respect to other child welfare workers.

p-27 SB 6109 (e) An employee of the department who is trained as a child welfare worker and acts in a supervisory capacity with respect to other child welfare workers.

~~22 SSB 6109 (4) No retaliation may be taken against a child welfare worker for requesting that a second trained individual accompany them in providing services to, monitoring, or investigating a family.~~

Subject to the availability of amounts appropriated for this specific purpose, the department shall establish a pilot program for contracted child care slots for infants in child protective services in locales with the historically high highest rates of child welfare screened-in intake where due parental to substance the use exposure disorder or was presence a of factor high-potency synthetic opioids in the case-home, which may be used as part of a safety plan.

~~(5) The department shall provide training specific to substance use disorders for the home visiting providers selected for this program.~~

23 28 SSB SB 6109 (6) (5) Families The referred department to shall home provide visiting training services specific viato the substance process use established disorders in for subsection (8) of this section must be contacted by the contracted home program visiting within providers seven selected days for of this referral program.

(6) Families referred to home visiting services via the process established in subsection (8) of this section must be contacted by the contracted program within seven days of referral.

Subject to the availability of amounts appropriated for this specific purpose, the department shall fund therapeutic support for children three to five years old in the child welfare system due to the exposure or presence of high-potency synthetic opioids in the home.

NEW SECTION.

Sec.

208.

A new section is added to chapter 43.216 RCW to read as follows:

~~NEW p. SECTION.~~

29 SB 6109 NEW SECTION.

~~208-209.~~

~~and (2) p.~~ Developing standardized risk assessment procedures related to high-potency synthetic opioids;

~~24 and SSB (3)-6109 (2) Determining the level of risk presented to a child or children in specific cases.~~

~~200-210.~~

~~210-211.~~

A new section is added to chapter 43.330 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the department shall establish a grant program that provides grant funding to a nonprofit organization to provide supports, including behavioral health resources, housing services, and parenting education, to parents with substance use disorders in p.

30 SB 6109 order to reduce the need for foster care placement or to shorten the time that children remain in out-of-home care when placement is necessary.

The grant recipient must be a nonprofit organization that provides a parent-child assistance program and focuses on building parenting skills and confidence to ensure children have safe and healthy childhoods.

NEW SECTION.

Sec.

212.

(1) Subject to the availability of amounts appropriated for this specific purpose, four legal liaison positions shall be established within the department to work with both the department and the office of the attorney general for the purpose of assisting with the preparation of ~~dependency~~child abuse and neglect court cases involving allegations of ~~high-high-potency-potency~~ synthetic opioids.

~~p-~~(3) The department may determine the necessary qualifications for the legal liaison positions established in this section.

~~25 SSB 6109 (3) The department may determine the necessary qualifications for the legal liaison positions established in this section.~~

~~26~~31 ~~SSB~~SB 6109